

**Congress of the United States**  
**Washington, DC 20515**

December 5, 2019

Eric S. Dreiband  
Assistant Attorney General, Civil Rights Division  
United States Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Assistant Attorney General Dreiband:

We write with deep concern over the findings of a recent investigative report published by *Newsday*.<sup>1</sup> *Newsday*'s report revealed substantial evidence of New York real estate agents engaging in widespread separate and unequal treatment of minority potential homebuyers and perpetrating housing segregation across multiple communities on Long Island, which, we believe, are in violation of the *Fair Housing Act*.<sup>2</sup>

Using undercover testers as potential homebuyers, the three-year investigation conducted by *Newsday* found real estate agents associated with Long Island's largest residential brokerage firms frequently steered white customers towards predominantly white neighborhoods, while directing minority buyers to more diverse neighborhoods. The findings in this report suggest that these real estate agents have been perpetuating residential segregation and convey a disturbing pattern of racial separation throughout the region. Evidence gathered through paired testing<sup>3</sup> — which is consistently endorsed by federal and state courts as the only viable method for detecting violations of fair housing laws by real estate agents — found disparate treatment against black testers 49% of the time, against Hispanic testers 39% of the time, and against Asian testers 19% of the time.<sup>4</sup>

Long Island has a long-documented history of racial segregation and housing discrimination and remains one of the most racially segregated metropolitan regions in the United States.<sup>5</sup> But, unfortunately, Long Island is not the only community where race-based housing discrimination continues to be a pervasive problem.

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<sup>1</sup> Olivia Winslow, Keith Herbert, and Ann Choi, "Long Island Divided," *Newsday*, November 17, 2019, <https://projects.newsday.com/long-island/real-estate-agents-investigation> (last accessed November 18, 2019).

<sup>2</sup> Pub. L. 90-284, title VIII, 82 Stat.81 (1968); 42 U.S.C. §3601- §3631.

<sup>3</sup> In a paired test, two individuals are assigned fictitious identities and qualifications and are comparable in almost every way except for the characteristic being tested, such as race or ethnicity. When almost identical home seekers receive unequal treatment from real estate agents, paired testing has the ability to catch discrimination in the act.

<sup>4</sup> *Winslow*, W3.

<sup>5</sup> *Ibid.*, W9-11.

Housing segregation and discrimination still persists in many metropolitan areas across the United States,<sup>6</sup> and the *Fair Housing Act* was specifically enacted to combat the policies and practices that have long perpetuated it. As you know, the Department of Justice may pursue enforcement actions under the *Fair Housing Act* when there is reason to believe that a person or persons has engaged in a “pattern or practice” of discrimination or has engaged in discrimination against a group of persons that raises an issue of “general public importance.”<sup>7</sup> Steering potential homebuyers to certain areas based on race is an illegal housing practice under the law.<sup>8</sup>

The systemic housing discrimination uncovered by *Newsday* on Long Island demonstrates that the legacy of segregation continues to endure more than fifty years after the passage of the *Civil Rights Act of 1968*.<sup>9</sup> And while this investigation exposed unequal treatment of homebuyers in New York, it is just one example of the racial injustice that continues to exist across our nation. We must all work together to root-out and combat discrimination when it occurs and ensure that civil right protections are being enforced for all Americans.

Therefore, we are requesting you immediately open an investigation into the potential fair housing violations exposed in the *Newsday* report. Should the facts and evidence from such an investigation warrant enforcement, we then urge you to take swift and immediate action to enforce the law.

We appreciate your attention to this matter and look forward to hearing from you.

Sincerely,



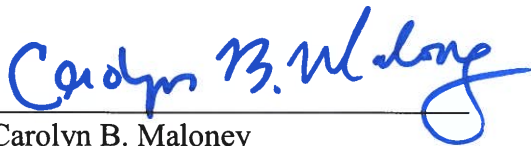
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Kathleen M. Rice  
Member of Congress



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Nydia M. Velázquez  
Member of Congress



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Carolyn B. Maloney  
Member of Congress



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Yvette D. Clarke  
Member of Congress

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<sup>6</sup> Zonta, Michael. “Racial Disparities in Home Appreciation: Implications of the Racially Segmented Housing Market for African Americans’ Equity Building and the Enforcement of Fair Housing Policies.” Center for American Progress. Page 3. July 2019.

<sup>7</sup> Pub. L. 90-284, title VIII, §814, 82 Stat.81 (1968); 42 U.S.C §3614.

<sup>8</sup> The United States Department of Justice, Civil Rights Division. “The Fair Housing Act: Discrimination in Housing Based Upon Race or Color.” December 21, 2017. (last accessed: November 24, 2019).

<https://www.justice.gov/crt/fair-housing-act-1>

<sup>9</sup> Pub. L. 90-284, 82 Stat. 73 (1968).



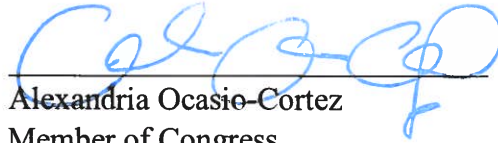
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Member of Congress



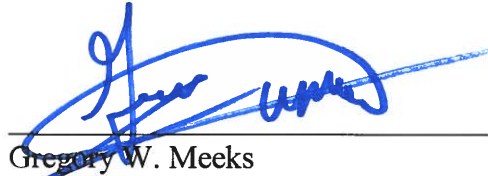
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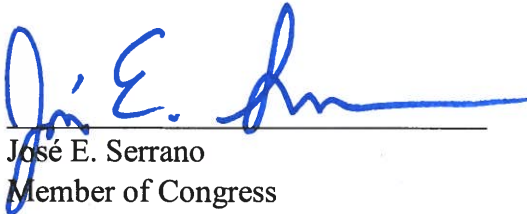
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Member of Congress



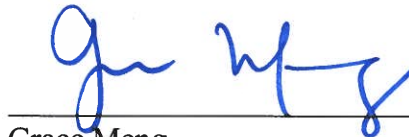
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Member of Congress



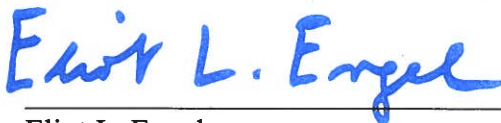
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Darren Soto  
Member of Congress



Hakeem Jeffries  
Member of Congress

cc: Letitia James, Attorney General, State of New York

Dr. Benjamin S. Carson Sr., Secretary, United States Department of Housing and Urban  
Development